UNITED STATES PATENT AND TRADEMARK OFFICE

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			EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/523,853	PARTOVI ET AL.
	Examiner	Art Unit	
	QUANG N. NGUYEN	2441	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 September 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>26-33,35-42,44-47,50 and 52-55</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>26-33,35-42,44-47,50 and 52-55</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

1.   This Office Action is in responsive to the Amendment filed on 09/12/2008.
Claims 26, 32, 33, 35, 42, 44 and 52 have been amended. Claims 48-49 have been
canceled. Claims 53-55 have been added as new claims. Claims 26-33, 35-42, 44-47,
50 and 52-55 remain pending for examination.

Claim Objections

2.   Claims 33 and 42 are objected to because of the following informalities:

Claim 33 is objected to under 37 CFR 1.75(c), as being of improper dependent
form for failing to further limit the subject matter of a previous claim (i.e., claim 32).
Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)
in proper dependent form, or rewrite the claim(s) in independent form.   In this case,
claim 33 depends on claim 32 and recites "changing from the second voice character to
the third voice character when further audibly interacting with the caller" which fails to
further limit the subject matter of claim 32.

On lines 12 of claim 42: "wherein the recognition server ~~determines~~ the second
voice character is selected using …" should be "wherein ~~the recognition server~~
~~determines~~ the second voice character is selected using …"

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.　　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.　　　Claims 26-33, 35-42, 44-47, 50 and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ksiazek (US 6,597,765), in view of Albal et al. (US 2003/0147518), hereinafter "Albal" and further in view of Sato (US 5,949,854).

5.　　　As to claim 26, **Ksiazek** teaches a method performed by a voice portal, comprising:

　　　receiving a call from a caller, where the call includes identifying information *(i.e., receiving an incoming call from a caller with the associated ANI information)* **(Ksiazek, col. 3, lines 43-55)**;

　　　identifying a first voice character, based on the identifying information, to be used by the voice portal when audibly interacting with the caller *(based on the associated ANI information, the OSPS 26 determines the appropriate assigned operator language services including operator service announcements, wording, intonation, branding, i.e., voice character, for the call)* **(Ksiazek, col. 3, lines 43-55)**;

Ksiazek does not **explicitly** teach detecting a speaking voice associated with the caller through the voice portal interaction with the caller; identifying a second voice character based on the detected speaking voice associated with the caller; and changing from the first voice character to the second voice character when further audibly interacting with the caller.

In an analogous art, **Albal** teaches detecting a speaking voice associated with the caller through the voice portal interaction with the caller *(the automatic speech recognition unit "ASR" 254 processes the speech inputs from the user to determine/identify the user speech pattern)* **(Albal, paragraph [0066])**;

identifying a second voice character based on the detected speaking voice associated with the caller *(i.e., in response to the detected user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc., and can implement various grammars to detect and respond to the audio inputs from the user)* **(Albal, paragraph [0047])**; and

changing from the first voice character to the second voice character when further audibly interacting with the caller *(after retrieving the information, the application server 242 processes the retrieved information and provides/outputs the information to the user according to one of various dialog voice personalities selected and provided by the communication node 212 in response to the audio inputs from the user, i.e., outputs the information according to a second voice character based on the identified caller's speech pattern)* **(Albal, paragraphs [0047], [0066] and [0074])**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of **Albal** and **Ksiazek** to achieve the claimed invention since both references are directed to communications systems providing multi-language access with multiple variations services to the user, hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to provide various services and capabilities to a user/caller by enhancing the ability of voice processing system to interact with the user in a user-friendly environment such as interacting with the user in the user-preferred language, speech pattern, intonation, etc., according to the user's location, identification and/or actions **(Albal, paragraph [0015])**.

However, **Ksiazek-Albal** does not explicitly teach through interacting with the caller via the voice portal, automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character; and adjusting the second voice character in response to such caller behavior.

In the same field of endeavor, **Sato** teaches a voice response service apparatus interacting with users through voice responses, wherein the voice is spoken loudly or slowly corresponding to a situation of a target user **(Sato, col. 16, lines 26-34)**. For instance, when the user makes an input error, the voice speed is decreased by one level, but the voice volume is increased by one level. That is, it can be considered that the voice can not be heard because of the narration being fast with a small voice volume. In this case, the voice quality is changed so that the voice is spoken slowly and loudly **(Sato, col. 17, line 59 – col. 18, line 17)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character; and adjusting the second voice character in response to such caller behavior, as disclosed by **Sato**, into the teachings of **Ksiazek-Albal**, since all references are directed to interacting with users through voice responses, hence, would be considered to be analogous based on their related fields of endeavor.   One would be motivated to do so to offer a voice response service with the easy-to-hear voice quality to every type of users by automatically changing the voice quality corresponding to a situation of a target user **(Sato, col. 18, lines 12-16)**.

6.   As to claim 27, **Ksiazek-Albal-Sato** teaches the method of claim 26, further comprising determining a locale associated with the call based on the identifying information *(i.e., based on the associated ANI information such as the identified country code, area code, and prefix information, the caller's number can identify a locale such as a city, state, country, and/or a particular location such as a hospital, a nursing home, a hotel, an airport, etc.)* **(Albal, paragraph [0021])**.   The same motivations regarding the obviousness of claim 26 is also applied equally well to claim 27.

7.   As to claim 28, **Ksiazek-Albal-Sato** teaches the method of claim 27, wherein the identifying the first voice character includes determining the first voice character as a voice character associated with the determined locale *(based on the associated ANI*

information, the OSPS 26 determines the appropriate assigned operator language

services including operator service announcements, wording, intonation, branding, i.e.,

voice character, for the call) **(Ksiazek, col. 3, lines 43-55)**.

8.   As to claim 29, **Ksiazek-Albal-Sato** teaches the method of claim 27, further

comprising presenting prompts to the caller based on the determined locale *(i.e.,*

providing the appropriate assigned operator language services, greetings,

announcements to the caller based on the ANI information) **(Ksiazek, col. 3, lines 43-**

55 and col. 4, lines 3-13).

9.   As to claim 30, **Ksiazek-Albal-Sato** teaches the method of claim 26, further

comprising determining a type of communication device used by the caller based on the

identifying information *(the communication node 212 can automatically identify the user*

or the type of the user's communication device through the use of Automatic Number

Identification "ANI" or Caller Line Identification "CLI") **(Albal, paragraph [0048])**. The

same motivations regarding the obviousness of claim 26 is also applied equally well to

claim 30.

10.   As to claim 31, **Ksiazek-Albal-Sato** teaches the method of claim 30, wherein the

identifying the first voice character includes determining the first voice character based

on the determined type of communication device used by the caller *(the communication*

node 212 can automatically select a voice character from various dialog voice

personalities and/or select various speech recognition models based upon the user's
communication device) **(Albal, paragraphs [0047-0048])**.   The same motivations
regarding the obviousness of claim 26 is also applied equally well to claim 31.

11.   As to claim 32, **Ksiazek-Albal-Sato** teaches the method of claim 26, further
comprising permitting the caller to select a third voice character; and changing from the
second voice character to the third voice character when further audibly interacting with
the caller **(Ksiazek, col. 4, lines 3-13)**.

12.   As to claim 33, **Ksiazek-Albal-Sato** teaches the method of claim 32, further
comprising changing from the second voice character to the third voice character when
further audibly interacting with the caller **(Ksiazek, col. 4, lines 3-13)**.

13.   As to claims 53-54, **Ksiazek-Albal-Sato** teaches the method of claim 26,
wherein in response to detecting the situation where the caller requests that information
be repeated several times over the voice portal, adjusting the second voice character to
be playbacked slower or louder *(For instance, when the user makes an input error, the*
voice speed is decreased by one level, but the voice volume is increased by one level.
That is, it can be considered that the voice can not be heard because of the narration
being fast with a small voice volume. In this case, the voice quality is changed so that
the voice is spoken slowly and loudly corresponding to a situation of a target user)
(Sato, col. 17, line 59 – col. 18, line 17).

14.   Claims 35-42 are corresponding system claims of method claims 26-33; therefore, they are rejected under the same rationale.

15.   Claims 44-47, 50 and 55 are corresponding system claims of method claims 26 and 29-32; therefore, they are rejected under the same rationale.

16.   As to claim 52, **Ksiazek-Albal-Sato** teaches a method, comprising:

receiving a call from a caller, where the call includes identifying information for identifying a locale and determining a type of communication device used by the caller *(i.e., receiving an incoming call with the associated ANI information and based on the associated ANI information such as the identified country code, area code, and prefix information, the caller's number can identify a locale such as a city, state, country, or a particular location such as a hospital, a nursing home, a hotel, an airport, etc. and the caller's number can also identify the communication device is pay telephone, home telephone, wireless phone, calling card, etc.)* **(Ksiazek, col. 3, lines 21-55)**;

identifying a first voice character using the locale and the type of communication device used by the caller determined by the identifying information *(based on the location and communication device determined by the associated ANI information, the OSPS 26 determines the appropriate assigned operator language services for the call)* **(Ksiazek, col. 3, lines 21-55)**;

providing audible prompts to the caller in a speech pattern based on the first voice character *(i.e., providing the appropriate assigned operator language services, greetings, announcements to the caller)* **(Ksiazek, col. 3, lines 43-55 and col. 4, lines 3-13)**;

detecting a speaking voice associated with the caller *(the automatic speech recognition unit "ASR" 254 processes the speech inputs from the user to determine/identify the user speech pattern)* **(Albal, paragraph [0066])**;

identifying a second voice character based on the detected speaking voice associated with the caller and the determined actions of the caller *(i.e., in response to the detected user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc., and can implement various grammars to detect and respond to the audio inputs from the user)* **(Albal, paragraph [0047])**;

through interacting with the caller via the voice portal, automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character **(Sato, col. 17, line 59 – col. 18, line 17)**;

adjusting the second voice character in response to such caller behavior **(Sato, col. 17, line 59 – col. 18, line 17)**;

providing further audible prompts to the caller in a speech pattern based on the second voice character *(the application server 242 retrieves the information, processed the retrieved information and provides/outputs the information to the user according to one of various dialog voice personalities selected and provided by the communication*

node 212 in response to the audio inputs from the user, i.e., <u>outputs the information</u>

<u>*according to a second voice character based on the identified caller's speech pattern*</u>)

(Albal, paragraphs [0047], [0066] and [0074]);

permitting the caller to select a third voice character; and switching from the

second voice character to the third voice character to provide further audible prompts to

the caller *(enabling the user to selective change the assigned default/operator language*

for the telephonic call via the prompt: "To change the assigned language for the

telephone operator services, please select the language you wish to use. Press *71 for

English, press *72 for Spanish, press *73 for French, etc.,") **(Ksiazek, col. 4, lines 3-**

13).

The same motivations regarding obviousness of claim 26 is also applied equally

well to claim 52.

Conclusion

17.   Applicant's arguments as well as request for reconsideration filed on 09/12/2008 have been fully considered but they are moot in view of the new ground(s) of rejection.

18.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).   Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19.   Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

20.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang N. Nguyen/
Primary Examiner, Art Unit 2441